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*Attorneys for Plaintiffs*  
*Community Coalition Against Beverage Taxes,*  
*Elli Abdoli and Vigo G. Nielsen, Jr.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Community Coalition Against Beverage Taxes,  
Elli Abdoli and Vigo G. Nielsen, Jr.,

*Plaintiffs,*

vs.

The City of Richmond, CA; and DOES 1-20,  
*Defendants.*

Case No. 12-4545 CRB

**TEMPORARY RESTRAINING  
ORDER AND ORDER TO  
SHOW CAUSE RE  
PRELIMINARY INJUNCTION**

1 The Court, having reviewed the pleadings on file in this case and heard argument of  
 2 counsel for Plaintiffs and Defendant, finds that a temporary restraining order should issue.  
 3 This case directly involves Plaintiffs' fundamental rights of political speech during an  
 4 election campaign. Defendants' unequivocal written assertion that the City will strictly  
 5 enforce Richmond Municipal Code 2.42.075 against Plaintiffs has a chilling effect on  
 6 Plaintiffs' exercise of rights protected by the First Amendment. Plaintiffs have established  
 7 that they are likely to succeed on the merits, that they are likely to suffer irreparable harm  
 8 in the absence of preliminary relief, that the balance of equities tips in their favor, and that  
 9 an injunction is in the public interest. *See Winters v. Nat'l Res. Defense Council, Inc.*, 555  
 10 U.S. 7, 20 (2008); *Thalheimer v. City of San Diego*, 645 F.3d 1109, 1116 (9th Cir. 2011).

11 Accordingly, it is hereby ORDERED that Defendant and its officers, agents,  
 12 servants, employees, and attorneys shall be and hereby are restrained and enjoined from  
 13 taking any steps to enforce Richmond Municipal Code section 2.42.075 against Plaintiffs.

14 Plaintiffs need not post a bond under Rule 65(c) of the Federal Rules of Civil  
 15 Procedure; Defendants did not oppose Plaintiffs' request during the hearing that no bond be  
 16 required, and this is a public interest case. *See Save Our Sonoran, Inc. v. Flowers*, 408 F.3d  
 17 1113, 1126 (9th Cir. 2004); *Baronha-Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999).

18 Further, Defendant is ordered to show cause in Courtroom 6 of this Court on  
 19 September 18, 2012, at 10:00 a.m. why a preliminary injunction should not issue  
 20 restraining and enjoining Defendant from enforcing section 2.42.075 against Plaintiffs  
 21 during the pendency of this action or until further order of this Court.

22 Both parties shall simultaneously file and serve any papers in support of or

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1 opposition to the motion for preliminary injunction by 12 p.m. (noon) on September 13,  
2 2012. This Temporary Restraining Order shall expire on September 21, 2012.

3 It is so ordered.

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6 Date: September 7, 2012



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8 Charles R. Breyer  
9 United States District Judge  
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